IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4824 OF 2005

1. Atmaram Shantaram Raut and 10 Ors. ..Petitioners.

Versus

Arun Laxman Samant ..Respondent.

Mr. K.K. Malpathak for the Petitioners.
Mr. Mukesh Subramanium for the Respondent.

CORAM : S. A. BOBDE, J.
DATED : 13TH OCTOBER, 2005.

P.C.:

1. Rule returnable forthwith. Mr. Subramanium, Advocate, waives service of Rule for the Respondent. Heard by consent.

2. By order dated 16.03.2004, the I/c. Dy. Charity Commissioner, Gr.Mumbai Region, Mumbai permitted the copies of the public documents filed with Exhs. 17 and 19 to be exhibited after verifying the originals thereof produced by the petitioners with the list Exh.40. However, thereafter, admittedly without any application by the respondent, the Court has passed an order, observing that the said Exhs. 17, 19 and 40 are private documents and are required to be proved by examining witness. There appears to be no reason why after permitting the documents to be

exhibited earlier, the order could have been reviewed even without any application from the other side. The subsequent order dated 13.05.2005 passed by the Dy. Charity Commissioner is, therefore, set aside.

3. The petition is dismissed. Rule discharged.

4. The parties are at liberty to examine such witness as may be advised in proof of the said documents. The matter may be decided as expeditiously as possible and in any case not later than six months from the next date.

DT. 13.10.05 (S.A.BOBDE,J)

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